

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

DERRICK ADAMSON,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00014

PAM GIVENS, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On January 8, 2024, the Plaintiff, proceeding pro se, filed his *Complaint* (Documents 2 and 2-2) in this matter. Now pending are *Defendants Pam Givens and Shirley Hamrick's Motion to Dismiss* (Document 8) filed on August 14, 2024, and the Plaintiff's *Motion to Withdrawal Civil Action Case No. 2:24-cv-00014* (Document 11) filed on August 21, 2024.

By *Administrative Order* (Document 6) entered on January 9, 2024, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On August 26, 2024, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 12) wherein it is recommended that the Plaintiff's *Motion to Withdrawal Civil Action Case No. 2:24-cv-00014* (Document 11) be granted, *Defendants Pam Givens and Shirley Hamrick's Motion to Dismiss* (Document 8) be denied as moot, the Plaintiff's *Complaint* (Documents 2 and 2-2) be dismissed without prejudice, and this matter be removed


from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by September 12, 2024.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's *Motion to Withdrawal Civil Action Case No. 2:24-cv-00014* (Document 11) be **GRANTED**, Defendants Pam Givens and Shirley Hamrick's *Motion to Dismiss* (Document 8) be **DENIED AS MOOT**, the Plaintiff's *Complaint* (Documents 2 and 2-2) be **DISMISSED WITHOUT PREJUDICE**, and this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: September 16, 2024


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA